



DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-834]

Certain Carbon and Alloy Steel Cut-To-Length Plate from Italy: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020-2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), May 1, 2020, through April 30, 2021.

Additionally, Commerce determines that a company for which we initiated a review had no shipments during the POR.

DATES: Applicable [Insert Date of Publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4682 or (202) 482-3693, respectively.

SUPPLEMENTARY INFORMATION:

Background

This review covers 11 producers and/or exporters of the subject merchandise. Commerce selected two companies, NLMK Verona SpA (NVR) and Officine Tecnosider s.r.l. (OTS), for individual examination. One company, Lyman Steel Company (Lyman), reported having no shipments during the POR, *see* “Determination of No Shipments” section below. The remaining

producers and/or exporters not selected for individual examination are listed in the “Final Results of the Review” section of this notice.

On June 6, 2022, Commerce published the *Preliminary Results*.¹ In July 2022, certain of the petitioners,² NVR, and OTS submitted case and rebuttal briefs.³ On September 15, 2022, we extended the deadline for the final results until December 2, 2022.⁴ For a description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁵

Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the *Order* are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances from Italy. Products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.⁶

¹ See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Italy: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020-2021*, 87 FR 34246 (June 6, 2022) (*Preliminary Results*).

² Nucor Corporation.

³ See Petitioner’s Letter, “Nucor’s Case Brief as to NLMK Verona, S.p.A.,” dated July 6, 2022; NVR’s Letter, “Case Brief,” dated July 6, 2022; OTS’s Letter, “OTS’s Case Brief,” dated July 6, 2022; Petitioner’s Letter, “Nucor’s Rebuttal Brief,” dated July 15, 2022; and NVR’s Letter, “Rebuttal Brief,” dated July 15, 2022.

⁴ See Memorandum, “Extension of Deadline for Final Results of 2020-2021 Antidumping Duty Administrative Review,” dated September 15, 2022.

⁵ See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2020-2021 Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-To-Length Plate from Italy,” dated concurrently with, and hereby adopted by, these results (Issues and Decision Memorandum).

⁶ For a full description of the scope of the order, see Issues and Decision Memorandum.

Verification

Commerce was unable to conduct on-site verification of the information relied upon for the final results of this review. However, we took additional steps in lieu of an on-site verification to verify this information, in accordance with section 782(i) of the Act.⁷

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Determination of No Shipments

As noted in the *Preliminary Results*, we received a no-shipment claim from one company involved in this administrative review, Lyman. In the *Preliminary Results*, we preliminarily determined that Lyman had no reviewable transactions during the POR. We received no comments from interested parties with respect to this claim. Therefore, because the record indicates that this company did not export subject merchandise to the United States during the POR, we continue to find that Lyman had no reviewable transactions during the POR. Accordingly, consistent with Commerce's practice, we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of merchandise produced by Lyman, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.⁸

⁷ See Commerce's Letters, "In Lieu of Verification Questionnaire for NVR and OTS," dated June 6, 2022; see also NVR's Letter, "NVR's Response to In Lieu of On-Site Verification Questionnaire," dated June 13, 2022; and OTS's Letter, "Administrative Review In Lieu of Verification Questionnaire Response, dated June 13, 2022.

⁸ See, e.g., *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review*, 75 FR 56989 (September 17, 2010).

Changes Since the *Preliminary Results*

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain changes to the preliminary weighted-average margin calculations for NVR and those companies not selected for individual review.⁹

Rate for Non-Selected Respondents

The Act and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act.

Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others rate, Commerce will exclude any zero and *de minimis* weighted-average dumping margins, as well as any weighted-average dumping margins based on total facts available.

Accordingly, Commerce's usual practice has been to average the margins for selected respondents, excluding margins that are zero, *de minimis*, or based entirely on facts available.

In this review, in accordance with section 735(c)(5)(A) of the Act, Commerce assigned the weighted-average calculated rates of the mandatory respondents, NVR and OTS, which are not zero, *de minimis*, or determined entirely on the basis of facts available to the non-selected companies in these final results, based on their publicly ranged sales data.¹⁰

Final Results of the Review

We are assigning the following weighted-average dumping margins to the firms listed below for the period May 1, 2020, through April 30, 2021:

Producer/Exporter	Weighted-Average Dumping Margin (percent)
NLMK Verona SpA	1.47
Officine Tecnosider s.r.l.	20.44
Arvedi Tubi Acciaio	4.43

⁹ See Issues and Decision Memorandum.

¹⁰ See Memorandum, "Calculation of the Cash Deposit Rate for Non-Reviewed Companies," dated May 31, 2022 (Non-Reviewed Company Calculation Memorandum).

C.M.T. Costruzioni Meccaniche di Taglione Emilio & C. S.a.s	4.43
O.ME.P SpA	4.43
Ofar SpA	4.43
Officine Meccaniche M.A.M. s.r.l.	4.43
Sesa SpA.	4.43
SZ Acroni D.o.o.	4.43
Tim-Cop Doo Temerin	4.43

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), where the respondent reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies that were not selected for individual review, we will assign an assessment rate based on the cash deposit rates calculated for NVR and OTS, excluding any rates

that are zero, *de minimis*, or determined entirely based on adverse facts available.¹¹ The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹²

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. As indicated above, for Lyman, we will instruct CBP to liquidate any existing entries of merchandise produced by Lyman, but exported by other parties, at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de*

¹¹ This rate was calculated as discussed in the Section, "Rate for Non-Selected Respondents," above. *See also* Non-Reviewed Company Calculation Memorandum.

¹² *See* section 751(a)(2)(C) of the Act.

minimis within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 6.08 percent, the all-others rate established in the LTFV investigation.¹³ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

¹³ See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea, and Taiwan, and Antidumping Duty Orders*, 82 FR 24096, 24098 (May 25, 2017).

Notification to Interested Parties

This notice is being issued in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: December 2, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of Issues

NVR-Specific Issues

- Comment 1: NVR's Direct Material Costs (DIRMAT)
- Comment 2: NVR's Change in Inventory Adjustment
- Comment 3: Whether Commerce Should Apply the Transactions Disregarded Rule to the Cost of Services NVR Obtained from Certain Affiliated Parties
- Comment 4: Whether Commerce Should Deny NVR's Claimed Offset to Its Reported General and Administrative (G&A) Expense Calculation
- Comment 5: Whether Commerce Should Deny NVR's Claimed Offsets to Its Reported Interest Expenses
- Comment 6: Whether Section 232 Duties Should be Deducted from U.S. Price

OTS-Specific Issues

- Comment 7: Whether Commerce Should Use the Quarterly Cost Averaging Methodology for OTS
- Comment 8: Whether Commerce Should Depart from the 90/60 Contemporaneous Period Methodology

- VI. Recommendation